

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

B.E. BINFORD, JACKIE BINFORD and
HENRY WYNDEL, on Behalf of Themselves
and All Others Similarly Situated,

Plaintiffs,

V.

JOHN J. BRENNAN, CHARLES D. ELLIS,
RAJIV L. GUPTA, JOANN HEFFERNAN,
BURTON G. MALKIEL, ALFRED M.
RANKIN, JR., J. LAWRENCE WILSON, THE
VANGUARD CORPORATION, VANGUARD
ADVISERS, INC., MELLON CAPITAL
MANAGEMENT COMPANY, WELLINGTON
MANAGEMENT COMPANY, LLP, JOHN A.
LEVIN & COMPANY, FRANKLIN
PORTFOLIO ASSOCIATES, LLC,
PROVIDENT INVESTMENT COUNCIL, INC.,
TURNER INVESTMENT PARTNERS, INC.,
GRANAHAN INVESTMENT
MANAGEMENT, INC., CHARTWELL
INVESTMENT PARTNERS, BARROW,
HANLEY, MEWHINNEY & STRAUSS, INC.,
GRANTHAM MAYO VAN OTTERLOO &
COMPANY, LLC, BERNSTEIN
INVESTMENT RESEARCH AND
MANAGEMENT, EQUINOX CAPITAL
MANAGEMENT, LLC, HOTCHKIS & WILEY
CAPITAL MANAGEMENT, LLC, TUKMAN
CAPITAL MANAGEMENT, INC., and JOHN
DOES NO. 1 through 100.

Defendants.

\S

Case No. 2:05-cv-00112-PBT

NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. 41(a), plaintiffs hereby dismiss this action, which has not been certified as a class action, without prejudice.

Dated: February 14, 2005

RESPECTFULLY SUBMITTED,

/s/ Marc L. Ackerman

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PROOF OF ELECTRONIC FILING

I, Marc L. Ackerman, Esquire, hereby certify that I have electronically filed this document in accordance with the Court rules:

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Dated: February 14, 2005

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